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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ESTELLE DAVIS,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,  
TRUSTEE, AS TRUSTEE FOR  
SERIES HBV 2007-3, et al.,

Defendants.

No. C 10-0489 PJH

**ORDER**

Presently pending before the court are motions by defendants GMAC Mortgage LLC (“GMAC”), and Wells Fargo N.A., Trustee (“Wells Fargo”), for orders dismissing the complaint in the above-entitled action, and striking portions of the complaint. GMAC’s motion is set for hearing on May 12, 2010, and Wells Fargo’s motion is set for hearing on May 26, 2010. Plaintiff’s opposition to GMAC’s motion was due on April 21, 2010, and her opposition to Wells Fargo’s motion is due on May 5, 2010. Rather than filing an opposition to GMAC’s motion, however, plaintiff on April 26, 2010 filed a first amended complaint.

The court has not reviewed defendants’ motions, and thus makes no finding as to whether the first amended complaint resolves the issues raised by defendants. The court finds, however, that the interests of judicial economy will be better served if defendants withdraw the motions, and respond instead to the first amended complaint, by filing responsive pleadings or motions to dismiss by May 19, 2010.

**IT IS SO ORDERED.**

Dated: April 30, 2010



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PHYLLIS J. HAMILTON  
United States District Judge

**United States District Court**  
For the Northern District of California